

DELEGATED APPROVAL FORM
DIRECTOR, REAL ESTATE SERVICES
MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2019-212

Approved pursuant to the Delegated Authority contained in Item EX27.12, as adopted by City Council on October 2, 3 & 4, 2017, as amended by Item GM27.12, adopted by City Council on May 22, 23 & 24, 2018 or, where applicable, in Item EX28.8, as adopted by City Council on November 7, 8 & 9, 2017.

Prepared By:	Ishan Dasgupta	Division:	Real Estate Services
Date Prepared:	07/25/2019	Phone No.:	416-392-7165

Purpose	To obtain authority to grant an Omnibus Permission to Enter Agreement (the "OPTE") in favour of Imperial Oil, over parts of City properties that have been identified as required for the Waterdown to Finch Pipeline Replacement project, for the purpose of due diligence work and to accept from Imperial Oil a Confirmation & Acknowledgement Agreement to protect City infrastructure where Imperial Oil equipment will cross over lands within which the City has easements in its favour.
Property	City properties along the existing pipeline and any other additional City-owned Properties required for the Waterdown to Finch Pipeline Replacement project shown coloured green or brown within the thick black edging on the plans in Appendix "C" (the "Licensed Area").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the OPTE in favour of Imperial Oil for the due diligence work (the "Works") as detailed in Appendix "A", on terms and conditions as set out herein and as deemed appropriate by the Director, Real Estate Services, or his or her designate, and in a form satisfactory to the City Solicitor. 2. Authority be granted for the Director, Real Estate Services, to administer and manage the OPTE including the provision of any amendments, consents, approvals, waivers, notices and notices of termination provided that the Director, Real Estate Services may, at any time, refer consideration of such matters to City Council for its determination and direction. 3. Authority be granted to accept from Imperial Oil the Confirmation & Acknowledgement Agreement to protect City infrastructure on lands within which the City has easements in its favour where Imperial Oil will be crossing over to conduct its investigations. 4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>Licence fees payable to the City for the Licensed Area identified on Appendix "B" are \$6,500.00 (plus HST) which is considered fair market value.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	Imperial Oil will require temporary use of certain City-owned properties to undertake the Works as detailed in Appendix "A" to determine the preferred routing of the Waterdown to Finch Pipeline Replacement project.
Terms	<p>Licensee: Imperial Oil</p> <p>Licence Fee: \$6,500.00 (plus HST) for total of the Licensed Area identified on Appendix "C".</p> <p>Term: Thirty (30) days to commence on a date to be agreed between the parties.</p> <p>Insurance: Imperial Oil is self-insuring.</p> <p>Use: Generally for the purposes of the Works as listed on Appendix "B". However, the use of the Licensed Area identified on Appendix "C" shall be for Archaeological Investigations only.</p> <p>Indemnity: Imperial Oil will indemnify and save harmless the City from and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, directly or indirectly resulting from occupation of or use of the Licensed Area.</p> <p>Restoration: Imperial Oil shall restore the Licensed Area to its original condition prior to occupancy by Imperial Oil or its Authorized Users, at Imperial Oil's sole cost and expense.</p>

Property Details	Ward:	City-wide and Licensed Areas on Appendix "C" – Wards 1, 2, 7
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to Divisions and Agencies:</p> <p>6. Limiting Distance Agreements:</p> <p>7. Disposals (including Leases of 21 years or more):</p> <p>8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</p> <p>10. Leases/Licences (City as Tenant/Licensee):</p> <p>11. Easements (City as Grantor):</p> <p>12. Easements (City as Grantee):</p> <p>13. Revisions to Council Decisions in Real Estate Matters:</p> <p>14. Miscellaneous:</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p><input checked="" type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences</p> <p><input type="checkbox"/> (b) Releases/Discharges</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates</p> <p><input type="checkbox"/> (f) Objections/Waivers/Caution</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds</p>
B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:		
<ul style="list-style-type: none"> Documents required to implement matters for which he or she also has delegated approval authority. Expropriation Applications and Notices following Council approval of expropriation (Manager, Transaction Services is only Manager with such signing authority). 		
Director, Real Estate Services also has signing authority on behalf of the City for:		
<ul style="list-style-type: none"> Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval. Community Space Tenancy Leases approved by delegated authority by Deputy City Manager, Corporate Services and any related documents. 		

Consultation with Councillor(s)						
Councillor:	Michael Ford			Councillor:	Stephen Holyday, Anthony Peruzza	
Contact Name:	Jeffery Dean			Contact Name:	Amelia ter Brugge, Jessica Pointon	
Contacted by:	Phone	X	E-Mail	Memo		Other
Comments:	No objections (07/23/2019)			Comments:	No objections (07/12/2019)	
Consultation with Divisions and/or Agencies						
Division:	Water, Transportation, Parks Forestry & Recreation			Division:	Financial Planning	
Contact Name:	Natalie Salkauskis, Albert Rugira-Busigo, Brock Rochus, Ed Tralla			Contact Name:	Filisha Jenkins	
Comments:	No objections (07/18/2019), (05/28/2019), (05/28/19)			Comments:	Comments incorporated (07/25/2019)	
Legal Division Contact						
Contact Name:	Dale Mellor - Comments incorporated (07/18/2019)					

DAF Tracking No.: 2019-212	Date	Signature
Concurred with by: Acting Manager, Real Estate Services Daran Somas	July 31, 2019	Signed by Daran Somas
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Melanie Hale-Carter	July 30, 2019	Signed by Melanie Hale-Carter
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos		X

General Conditions ("GC")

- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases. In the event of a vacancy in the Ward in which the subject property is located, the Mayor's office shall be consulted in the alternative.
- (b) Where approving power has been delegated to staff, the Deputy City Manager, Corporate Services, in consultation with any other applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be returned to the relevant Committee and Council for consideration and determination.
- (c) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (d) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget, or funding being available from third party sources, except for "Strategic Property Acquisitions" as set out in EX44.22 adopted by Council August 25, 26, 27 and 28, 2014, which identifies alternative funding mechanisms subject to additional approval requirements.
- (e) Property interests are to be based on appraised value, and no interest shall be granted at less than market value unless otherwise specifically authorized.
- (f) Authority to approve transactions at less than market value is subject to statutory anti-bonus provisions.
- (g) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, potential arbitration awards, loss claims, etc., but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made to bring the property into compliance with applicable MOE or other requirements such that it will be fit for its intended municipal purpose, except for property acquisitions of 50M² or less for transit shelter purposes.
- (i) Authority to initiate the permanent road closure process in **A.4** is conditional upon confirmation by the GM of Transportation Services that it is feasible to permanently close the highway.
- (j) Disposal authorities in **A.7** are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in **A.8**, may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (l) Approving Authority with respect to land located in the Designated Waterfront Area as defined in the *Toronto Waterfront Revitalization Corporation Act, 2002* is conditional upon the approval of the Director, Waterfront Secretariat.
- (m) Authority to approve an exchange of land in **A.8** is conditional upon confirmation by the Chief Planner and Executive Director of City Planning, and the GM of Parks, Forestry & Recreation, that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.
- (n) Approving Authority in **A.9** Leases (City as Landlord) but not Licences (City as Licensor) is limited to periods (including options/renewals) of less than twenty-one (21) years, as leases of 21 years or more may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (o) Total compensation in leasing matters where the City is landlord (**A.9**) includes the value of tenant improvements if factored into tenant's rental payments.
- (p) Total compensation in leasing matters where the City is the tenant (**A.10**) includes the value of any tenant improvements to be paid by the City.
- (q) Where options/renewals are included in leases, if the renewal rent is to be determined at a date later than the original approval date, total compensation is to be calculated as though all options are exercised, estimating the renewal rent based on the highest rent payable in the first term of the lease.
- (r) Total compensation in leasing matters where the City is landlord (**A.9**) or tenant (**A.10**) is to be calculated from the date of approval pursuant to this delegation (ie. first allowing for the expiry of any prior approvals, whether by Council or a delegated authority).
- (s) Approving Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (t) Approving Authority includes authority for amendments within the parameters of the delegated Approving Authority, the cumulative total of which may not exceed the delegated financial limit.
- (u) Where proposed additional amounts in **A.13** exceed 10 per cent of the original decision, even if otherwise in compliance with all other conditions, then Approving Authority is transferred upwards to the next more senior level of Approving Authority having the relevant overall financial limit.
- (v) Approving Authority includes authority for all documents necessary to implement the authority, including ancillary agreements, on terms and conditions satisfactory to the Approving Authority, in consultation with the relevant operating Division(s).
- (w) Staff positions referred to in this delegation include successors from time to time.
- (x) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (y) Delegated signing authorities in **B** are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (z) Authority to use land acquired by the City for parking purposes by the Toronto Parking Authority is conditional upon Council enacting a by-law designating such use.
- (aa) All residential leasing documents shall adhere to the *Residential Tenancies Act, 2006* and any successor legislation.
- (bb) Despite GC(n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years and total compensation in residential leasing matters where the City is landlord is to be calculated based on an assumed term of ten years unless the lease term expressly identified therein is longer.
- (cc) Where Approving Authority has been delegated to the Manager level, such authority shall be conditional upon the Manager first having secured the written concurrence of a second Manager within the Real Estate Services Division.
- (dd) Where the City is transacting with a public agency, and such agency requires that an unqualified environmental indemnity be granted by the City, the authority to acquire property includes authority to grant such an indemnity, provided that the Phase I and Phase II environmental site assessments undertaken on behalf of the City have identified no significant environmental impacts or human health threats, with no, or minor action required ("Low Risk").

Appendix "A"

The "Works"

Archaeological Stage 2 Surveys - Test Pits:

- Test-pits, approximately 30 cm in diameter and excavated to the depth of the subsoil (approximately 30 to 50 cm deep) at 5-metre intervals are to be done.
- Soil will be screened for artifacts and then backfilled into the test pit and, where appropriate, the sod cap will be replaced.

Vegetation Surveys:

- The survey crews will be making visual observations. The survey method requires no material sampling, vegetation clearing or ground disturbance.

Appendix "B"

List of Properties, Type of Work and Duration of Work

PIN	General Description	Archaeology Survey Area (sq.m.)
074340533	Centennial Park Hydro Corridor	1121.3
074410200	Renforth Drive	694.8
074340524	Centennial Park	1499.6
073270142	Irwin Road	98.6
073270069	West Humber Parkland	410.2
073270068	West Humber Parkland	12.6
073270152	West Humber Parkland	0.6
073280026	Albion Road	79.2
102830643	Finch Hydro Corridor Recreational Trail	335.7
102590224	Jane Street	100.0

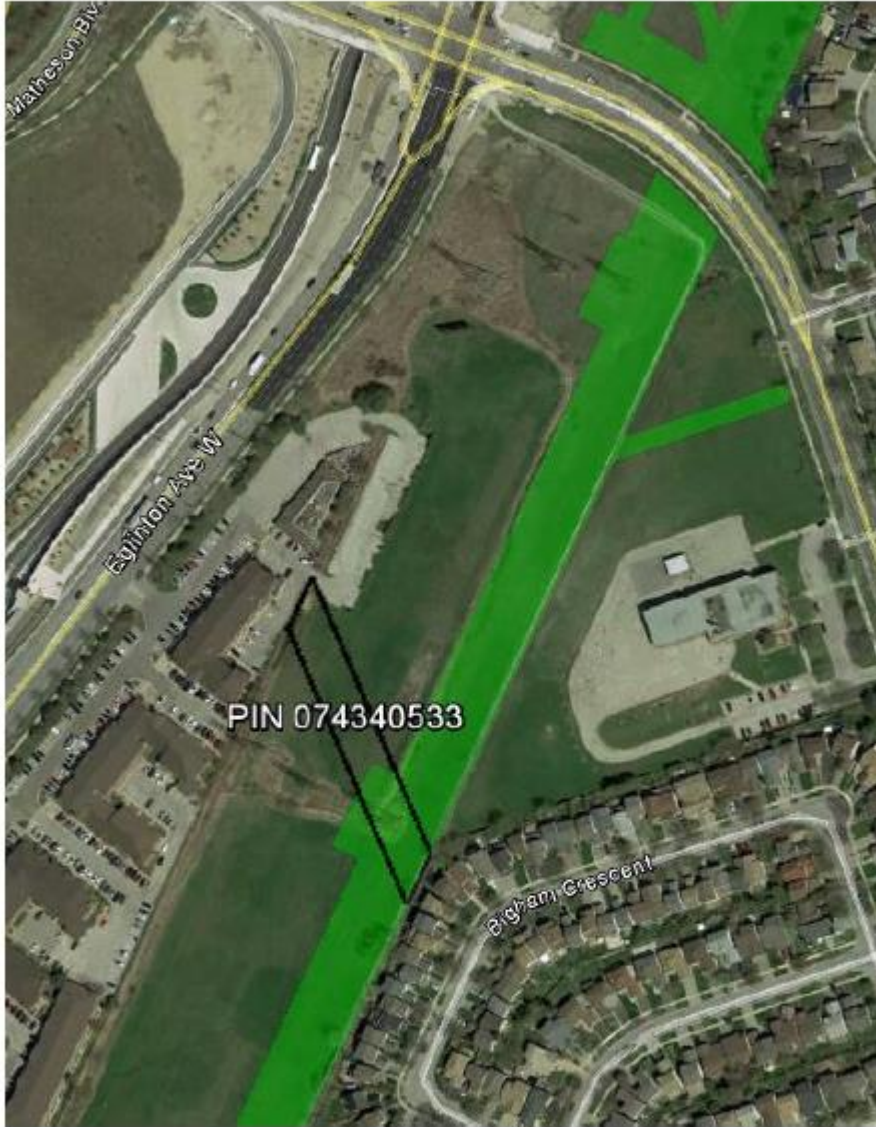
Appendix "C"

Sketches of Licensed Areas



Note: Licensed area is the area shaded green inside the black outline

PIN 074340533 (WTFN4048)

Landowner: THE CORPORATION OF THE BOROUGH OF ETOBICOKE;
Archaeology Area Required: 1121.33 sq.m.



LEGEND:



-  Parcel Boundary
-  Archaeology Test Pitting

Note: Licensed area is the area shaded green inside the black outline

PIN 074410200 (WTFN4050) – RENFORTH DRIVE
Landowner: THE CORPORATION OF THE CITY OF ETOBICOKE;
Archaeology Area Required: 694.8 sq.m.



LEGEND:



-  Parcel Boundary
-  Archaeology Test Pitting

Note: Licensed area is the area shaded green inside the black outline

PIN 074340524 (WTFN4631) – CENTENNIAL PARK
Landowner: THE CORPORATION OF THE TOWNSHIP OF ETOBICOKE;
Archaeology Area Required: 1499.6 sq.m.

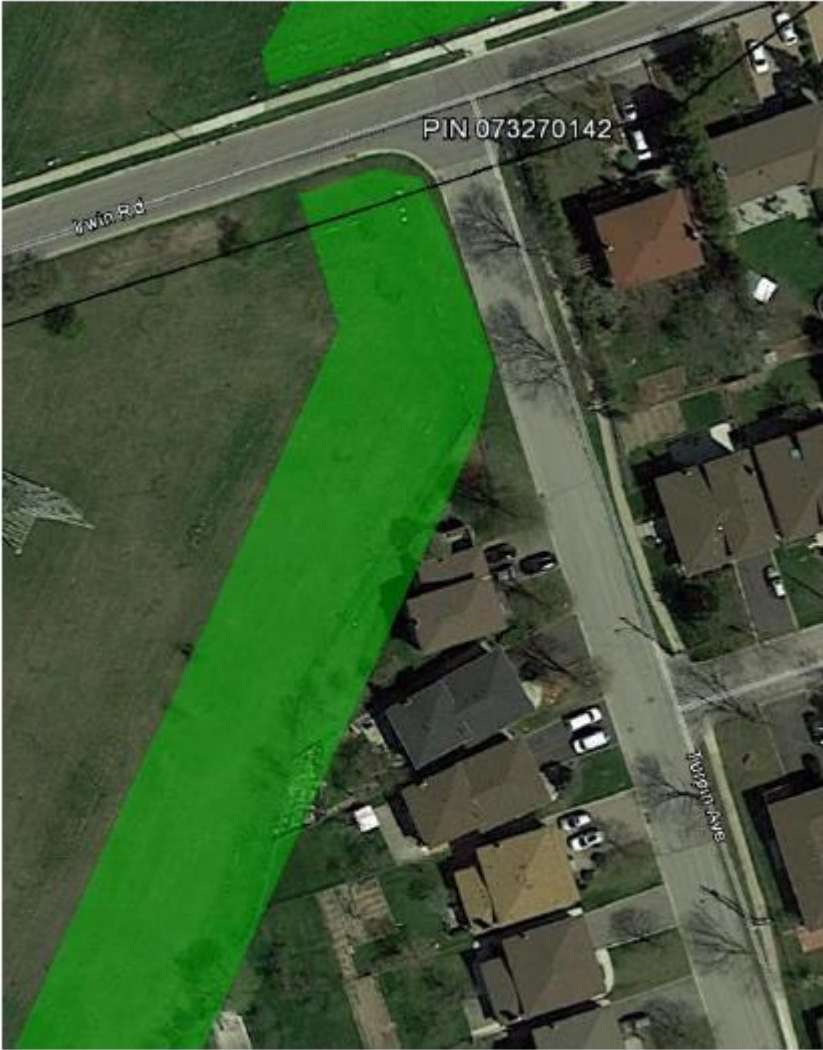


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
-  Parcel Boundary
-  Archaeology Test Pitting

Note: Licensed area is the area shaded green inside the black outline

PIN 073270142 (WTFN5165) – IRWIN ROAD
Landowner: THE CORPORATION OF THE BOROUGH OF ETOBICOKE;
Archaeology Area Required: 98.6 sq.m.



LEGEND:

-  Parcel Boundary
-  Archaeology Test Pitting

Note: Licensed area is the area shaded green inside the black outline



PIN 073270069 (WTFN5183)

Landowner: THE CORPORATION OF THE BOROUGH OF ETOBICOKE;

Archaeology Area Required: 410.2 sq.m.



LEGEND:



-  Parcel Boundary
-  Archaeology Test Pitting

Note: Licensed area is the area shaded brown inside the black outline (area not large enough to view shading for this parcel)

PIN 073270068 (WTFN5184) – SLIVER PARCEL
Landowner: THE MUNICIPALITY OF THE TOWNSHIP OF ETOBICOKE;
Archaeology Area Required: 12.6 sq.m.



LEGEND:



-  Parcel Boundary
-  Archaeology Test Pitting

Note: Licensed area is the area shaded green inside the black outline

PIN 073270152 (WTFN5193)
Landowner: THE MUNICIPALITY OF METROPOLITAN TORONTO;
Archaeology Area Required: 0.6 sq.m.



LEGEND:



-  Parcel Boundary
-  Archaeology Test Pitting

Note: Licensed area is the area shaded green inside the black outline

PIN 073280026 (WTFN5194) – ALBION ROAD
Landowner: THE MUNICIPALITY OF METROPOLITAN TORONTO;
Archaeology Area Required: 79.2 sq.m.



LEGEND:



-  Parcel Boundary
-  Archaeology Test Pitting

Note: Licensed area is the area shaded green inside the black outline

PIN 102830643 (WTFN5319) – FORMERLY YORK GATE BOULEVARD
Landowner: CITY OF TORONTO;
Archaeology Area Required: 335.7 sq.m.



LEGEND:



-  Parcel Boundary
-  Archaeology Test Pitting

Note: Licensed area is the area shaded green inside the black outline

PIN 102590224 (WTFN5324) - PAGE 1 OF 2 - WHOLE PARCEL - JANET STREET, NORTH
FROM FINCH AVENUE WEST
Landowner: CITY OF TORONTO;
Archaeology Area Required: 100.0 sq.m.



LEGEND:



-  Parcel Boundary
-  Archaeology Test Pitting

Note: Licensed area is the area shaded green inside the black outline

PIN 102590224 (WTFN5324) - PAGE 2 OF 2 – ARCHAEOLOGY AREAS – JANE STREET,
NORTH FROM FINCH AVENUE WEST
Landowner: CITY OF TORONTO;
Archaeology Area Required: 100.0 sq.m.



LEGEND:

-  Parcel Boundary
-  Archaeology Test Pitting